

ZB# 99-52

**Sloop Hill Associates /
Robert Farkas**

37-1-13

Pelini.

Dec. 13, 1999.

Public Hearing:

Jan. 10, ~~1999~~ 2000

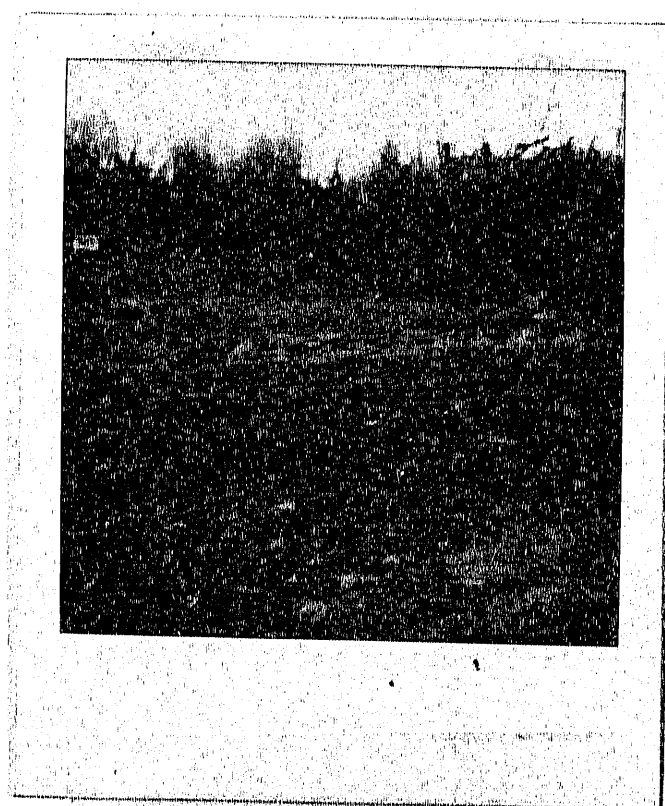
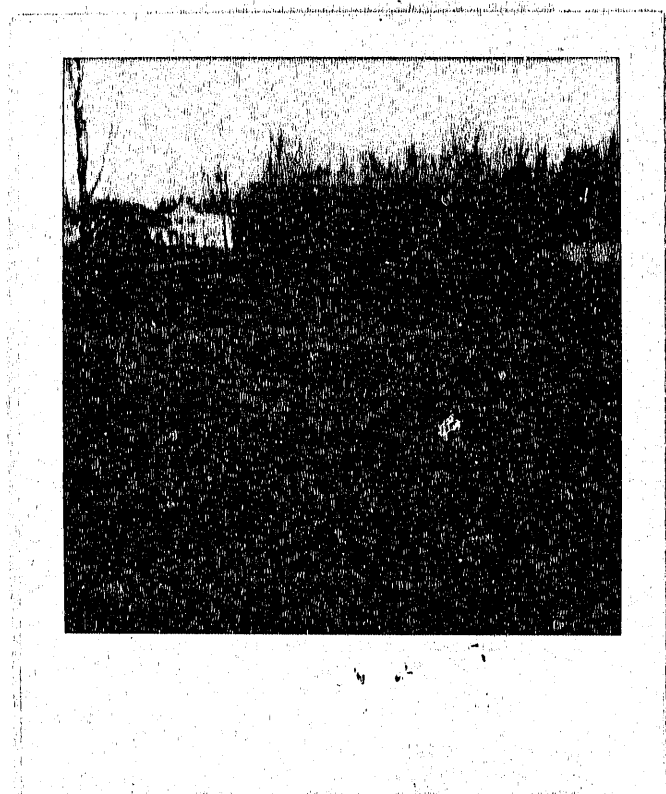
Partially (*)

Denied \$244.50

Refund:

#99-52-Sloop Hill Assocs./Tarkas

Area 37-1-13.



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Larkas/Sloop Hill

FILE# 99-52

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 150.00

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 12/13/99 \$ 18.00

2ND PRELIMINARY- PER PAGE 1/10/00-25 \$ 112.50

3RD PRELIMINARY- PER PAGE \$

PUBLIC HEARING - PER PAGE \$

PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 130.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 12/13/99 \$ 35.00

2ND PRELIM. 1/10/00-25 \$ 35.00

3RD PRELIM. \$

PUBLIC HEARING. \$

PUBLIC HEARING (CONT'D) \$

TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 200.50

LESS ESCROW DEPOSIT \$ 500.00
(ADDL. CHARGES DUE) \$
REFUND DUE TO APPLICANT. \$ 299.50

paid #133

*paid #134
12/20/99.*

SLOOP HILL ASSOCIATES, LLC

134

P.O. BOX 495
CORNWALL, NY 12518

50-7131/2219

DATE 11-9-1999PAY
TO THE
ORDER OFTown of New Windsor\$ 500.00Five Hundred and 00/100

DOLLARS

Security features
are included.
Details on back.

WALDEN SAVINGS BANK

Cornwall Office
P.O. Box 385, 321 Hudson St.
Cornwall-on-Hudson, NY 12520

FOR

ESCROW ZBA #99-52

⑈000134⑈ ⑆221971316⑆06 95 004322⑈

GUARDIAN & SAFETY

GUARDIAN & SAFETY

SLOOP HILL ASSOCIATES, LLC

133

P.O. BOX 495
CORNWALL, NY 12518

50-7131/2219

DATE Nov 9, 1999PAY
TO THE
ORDER OFTown of New Windsor\$ 150.00One Hundred fifty and 00/100

DOLLARS

Security features
are included.
Details on back.

WALDEN SAVINGS BANK

Cornwall Office
P.O. Box 385, 321 Hudson St.
Cornwall-on-Hudson, NY 12520

FOR

ZBA FEES #99-52

⑈000133⑈ ⑆221971316⑆06 95 004322⑈

GUARDIAN & SAFETY

GUARDIAN & SAFETY

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(914) 563-4611

RECEIPT
#42-1999

12/20/1999

SLOOP Hill Associates, LLC

ZBA # 99-52

Received \$ 150.00 for Zoning Board Fees, on 12/20/1999. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Dorothy H. Hansen
Town Clerk

-----X
In the Matter of the Application of

SLOOP HILL ASSOCS./FARKAS, ROBERT

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES**

#99-52.
-----X

WHEREAS, SLOOP HILL ASSOCS., P. O. Box 495, Cornwall, N. Y. 12518, owners, and **ROBERT FARKAS,** 16 Laurel Avenue, Cornwall, N.Y. 12518, contract vendee, have made application before the Zoning Board of Appeals for variances to allow 14.7 ft. front yard, 8.6 ft. rear yard and variation of Section 48-14C(1)(c) [1] of the Supplemental Yard Regulations, to allow 500 ft. of 6 ft. fencing in front yard of property to construct mini-warehouse units and three service garages on Route 9W and Sloop Hill Road in an NC zone; and

WHEREAS, a public hearing was held on the 10th day of January, 2000 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Steven Drabick, L.S. and Robert Farkas appeared on behalf of this Application; and

WHEREAS, there were 14 spectator appearing at the public hearing; and

WHEREAS, some of the spectators spoke in opposition and others had questions about the application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is undeveloped commercial property located in a commercial neighborhood with some residences nearby.

(b) The Applicants propose to use the property to construct a mini-storage facility with office and three service garages.

(c) The property has located on it a 50 ft. wide right-of-way to Central Hudson Gas & Electric Corporation and also a 10 ft. wide easement, both of which run through the property.

(d) The presence of the right-of-way and easement on the property makes location of the proposed units impractical or impossible in connection with the existing Zoning Local Law without variances.

(e) The site is so situated that according to the Zoning Local Law it has two front yards although it appears only to have one.

(f) The variances, if permitted, would not create any ponding or collection of water or divert any course of water drainage.

(g) The Applicants, if the variances are granted, still must seek site plan approval from the Planning Board prior to the construction of any improvements on the property.

(h) Since part of the Application is to permit the Applicants to construct three service garages for use of the property for automobile services also subject to site plan approval by the Planning Board.

(i) The fence, if permitted, would not interfere with the view of motorists traveling on the adjacent roadways since they would be sufficiently set back from the roadways so as to not obstruct a motorists' vision.

(j) If granted, it is the Applicants' intention to install an extension to the existing water line.

(k) The Applicants seek to place the same amount of storage units on the property as would be allowed if there were no easements to Central Hudson.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

14.7 Front Yard Variance:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicants which can produce the benefits sought.

3. The variance requested is not substantial in relation to the Town regulations.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicants face in conforming to the bulk regulations are self-created but nevertheless should be allowed.

6. The benefits to the Applicants, if the requested variance is granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicants relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granted of the requested area variance.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

8.6 ft. Rear Yard Variance:

1. The requested variance will produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties. The granting of this variance would allow an extent of construction which would have an adverse impact on the traffic and drainage in the area.

2. There is another feasible method available to the Applicants which can produce the benefits sought. The Applicants can delete the service garages or reduce the number of storage units in the mini-storage facility.

3. The requested variance is not substantial in relation to the Town regulations.

4. The requested variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district. See paragraph one above.

5. The difficulty the Applicants face in conforming to the bulk regulations is self-created.

6. The benefit to the Applicants, if the requested variance is granted, does not outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicants relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and

welfare of the community. See paragraph one above.

8. The interests of justice will not be served by allowing the granting of the requested area variance.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

500 ft. of 6 Ft. Fence:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicants which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations nevertheless is warranted for the reasons listed above.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicants face in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicants, if the requested variance is granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicants relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance if the fence installed by the Applicants is not a chain link fence. The fence as constructed must add to and not detract from the appearance of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant a request for a 14.7 ft. front yard, 8.6 ft. rear yard and variation of Section 48-14C(1)(c) [1] to allow 500 ft. of 6 ft. fencing in front yard for construction of mini-warehouses units and three service garages on Route 9W and Sloop Hill Road in an NC zone, as sought by the Applicants in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: March 27, 2000.


Chairman

Date 1/31/2000, T9.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Sloop Hill Associates, LLC DR.
P.O. Box 495, Cornwall, NY 12518

DATE

CLAIMED

ALLOWED

1/31/00

Refund of Escrow # 99-52 ZBA

\$299.50

Approved: Patricia A. Bankart
ZBA

Date 1/24/00 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550
.....

DATE			CLAIMED		ALLOWED	
10/00		Zoning Board Mtg	75	00		
		Misc - 3				
		Locke - 5				
		Minutoli - 4				
		Sloop Hill - 25				
		Malaszk - 13				
		Maurice - 6				
		<u>36</u>	252	00		
			327	00		

SLOOP HILL ROAD/FARKAS

MR. NUGENT: Request for 14.7 ft. front yard, 8.6 ft. rear yard and variation of Section 48-14C(1)(c)[1] to allow 500 ft. of 6 ft. fencing in front yard for construction of mini-warehouse units and three service garages on Route 9W/Sloop Hill Road in NC zone. Is there anyone here besides the applicant? Would you like to speak, I want you to sign this sheet, please.

Mr. Steven Drabick appeared before the board for this proposal.

MS. BARNHART: Let the record show there were 39 addressed envelopes sent out to adjacent property owners for this matter.

MR. KRIEGER: How many signed up on the sheet for today?

MS. BARNHART: Fourteen.

MR. KRIEGER: Thank you. My name is Steven Drabick, I'm a licensed land surveyor representing Sloop Hill Associates this evening in the application before the Zoning Board of Appeals. The proposed development for this site as mentioned is located in an NC zone. It's situated between Route 9W and Sloop Hill Road. It's bounded on the north by lands of Farkas, who's one of the principles in the Sloop Hill Associates, it's bounded on the south by lands now formally of Buckner, that's an oil recovery facility, there's private residences, lands now or formally of Furman and Central Hudson Gas and Electric Corporation gas regulator station that sits there. On the west, it's bounded by Route 9W and in particular on Route 9W at this particular location is well elevated above the proposed site with the imposing steep bank that runs up to the actual travel way of the highway. And on the east, it's bounded by Sloop Hill Road. On the other side of Sloop Hill Road is primary property owned by Nannini and Callahan, there's a number of rental dwellings and I believe two or three rental mobile homes and on the back side of those or farther to the east there's a quarry. In this particular site, we're proposing a

combination of a building which will house three service garages as well as an office for the maintenance and care taking of the mini-storage area and we're looking at this time possibility of an apartment over that particular office. In addition, the majority of the site would be utilized as a mini-warehouse facility, with a total of little over 22,600 square feet of storage. What makes this site somewhat a little more unusual than most is running through it, we have a 50 foot wide right-of-way to Central Hudson Gas and Electric which presumably at one time was used to access their gas regulator station, also incorporated in that 50 foot right-of-way, there's a ten foot easement which has an underground gas main which runs out from the gas regulator station through the site into Sloop Hill and from there, down towards West Point. It's largely because of this easement or right-of-way that runs through the property that we're requesting two of the three variances tonight and those deal with front setback and rear setback. In trying to utilize and maximize the space for the greatest number of storage units, we looked to place a number of units along the easterly side of that right-of-way between that right-of-way line and Sloop Hill Road. In doing so, or to make this happen, we're looking for a front yard variance of 14.7 feet, setback required there is 40 in running the storage units in that location, the end unit would site at 25.3 feet from the road line at that point. It's one of the variance that we're requesting. The set, the rear setback variance deals with the row of units that's situated on the south end of the site. These units butt up against the northerly bounds of that 50 foot right-of-way. And the rear setback variance that we're asking for, it's actually the only rear setback on this particular site is for 8.6 and that deals with an end unit that we have situated only 6.4 feet from the rear line at that point. This particular variance we're asking for this particular variance only to utilize that space with one additional structure there and we feel that we're justified in asking for that being as the neighbor or adjoiner to where this unit is going to sit is the gas regulator station, it's not like we're butting this up against another dwelling or residence. The properties that do lie to the south of this sit in excess of 50

feet away from the proposed units and are buffered somewhat by the existing right-of-way owned by Central Hudson Gas and Electric, an additional right-of-way which allows them access out to Sloop Hill Road. The third variance we're asking for deals with request for a uniform 6 foot high fence which will surround and enclose just the area that includes the storage units. Under the current zoning because this particular site actually has two front yards, one along Route 9W, one along Sloop Hill Road, zoning only requires that a fence in that location be 4 foot in height. We feel obviously to provide the security that would be adequate for a mini storage area, we need a minimum of at least 6 feet. Those are the three variances that we're requesting for this particular project. Now, the project does lie in an NC zone, this particular use is compliant to that zone. As far as the actual development of the site, the drainage that will be generated here will be regulated and trapped by various catch basins on the site itself and then drained from the site to Moodna Creek, via a new location for a drainage easement and line which will be replacing an existing 12 inch line that runs through private property with no current easement. That will be included as an improvement. In addition, there's some additional drainage improvements which will take place in Sloop Hill Road. The site itself does not have service to sanitary sewer, it will utilize a septic system to deal with the sanitary disposal of primarily just the office area and the apartments that will be above the office. There's municipal water available and will be utilized to serve the site for water use. One of the additional improvements proposed is an extension of the water main, it currently ends at the northeast corner of the property, and currently there's a smaller line which runs up Sloop Hill Road and serves primarily residents on the east side of Sloop Hill Road. As an improvement to this project, we're looking to extend that main a full size main to the end of Sloop Hill and terminate it with a new fire hydrant. This will provide adequate water use and we'll also open up the availability for the dwellings on the south side of Sloop Hill to also use an approved water source.

MR. NUGENT: Three garages that you have proposed are garages to park a vehicle in or to do repair work in?

MR. DRABICK: These proposed as three service garages which means that we could do repairs of vehicles in it, in those garages.

MR. REIS: Steve, above the garage as you mentioned that could be a residential unit?

MR. DRABICK: Only above the portion of the building that would be used as the office area for the storage site.

MR. REIS: Just above the office.

MR. DRABICK: Right, we have a proposed office area 872 square feet, that's, the ground level apartments would be above that.

MR. REIS: How many?

MR. DRABICK: We're looking at no more than two.

MR. TORLEY: Two apartments?

MR. DRABICK: Correct, one apartment would actually serve as a residence for the caretaker and the other apartment would be an additional rental.

MR. TORLEY: Now, as I look at the bulk regulations, be two living quarters, not more than one family located in each permitted commercial building on each lot, so you've got one lot and you're going to put how many apartments on?

MR. DRABICK: We're looking at putting two, okay, I'm told it's one.

MR. BABCOCK: You're allowed one, and the conditions wouldn't change and it wouldn't further your need for any variances at this board, if you want to have one, it would just be a matter of when you go back to the planning board to indicate that on the plan.

MR. DRABICK: Right.

MR. TORLEY: When he said two, that's--

MR. DRABICK: My mistake and the reason it isn't shown on this particular plan is at the time that we we're doing this, we had not performed any preliminary perc tests to see if in fact the soil was suitable to support more than just an office use. As it turns out, the percs were favorable and would allow us an additional apartment.

MR. MCDONALD: Is that where it says proposed location for sewage disposal?

MR. DRABICK: It's right, that's correct.

MR. MCDONALD: In this area?

MR. DRABICK: That's where we did the percs and deep soil tests.

MR. NUGENT: Mr. Torley, do you have the table in front of you?

MR. TORLEY: Yes. I also see that the service station repair also requires site plan approval by the planning board.

MR. DRABICK: Yes, we are and we're incorporating that with the plan for the mini storage units.

MR. TORLEY: How many, the two units that you are proposing that require variances for setbacks, they look like there's a relatively small percentage of your total proposed development.

MR. DRABICK: In fact, the one unit that we're looking, the one additional unit we're looking for with regard to the requested variance for the rear setback does account to one unit, however, the variance that we're asking for on the front setbacks we would lose in the neighborhood of 6 to 7 of those units to meet the required setback of 40 feet from the road. The variance that we're asking for of course is the

variance where a unit would be closest to the road, so it's true, it's true in the rear seat back variance we're requesting it so that we can get one additional unit, but again, we feel that we're justified in asking for that simply because as far as environmentally, aesthetically, as far as the neighborhood is concerned, what we're adjoining at this point adjoining at that point is the gas regulator station.

MR. TORLEY: What about the ones in the front, that's adjoining Sloop Hill?

MR. DRABICK: That's correct.

MR. TORLEY: And you're putting a 6 foot fence in front of that?

MR. DRABICK: Actually, the 6 foot fence at that location, we have that proposed unit at a little over 25 feet from the road line, actual traveled surface is going to be an additional 10 to 15 feet more. Proposed 6 foot high fence would sit probably about ten feet from that unit between the unit and the road, so the fence isn't going to be right up next to the unit, also that area in front of fence would be utilized for some sort of landscaping.

MR. NUGENT: Mr. Babcock, according to the bulk tables that I'm looking at here, garages, says service establishments furnishing consumer services, but excluding gasoline stations, new and used motor vehicle sales, storage, repair or service.

MR. BABCOCK: Yes, if you go under special permit use.

MR. NUGENT: Then he has to get it from the planning board.

MR. BABCOCK: And he's asked for that.

MR. DRABICK: Right.

MR. BABCOCK: I have it here, Mr. Chairman, on September 22, he asked the planning board which then they referred him here and it's for the proposal for

mini-warehouse use for the zone and service repair, garage special permit use B7, that's what he's asked the planning board for and the planning board has referred him to this zoning board for the appropriate variances.

MR. NUGENT: Okay.

MR. BABCOCK: The caretaker's apartment and the office is also under a special permit, he would have to modify his special permit, wouldn't cause anymore requirements for variances at this board, it would just have to go back to the planning board, which he will have to do.

MR. TORLEY: And the structures would meet the setback requirements?

MR. BABCOCK: Yes.

MR. TORLEY: What kind of fence are you talking about along Sloop Hill Road?

MR. DRABICK: We haven't decided specifically on the type along Sloop Hill Road, though we were looking at doing something other than just chain link fence, something maybe a little more attractive, little more decorative.

MR. TORLEY: Such as?

MR. DRABICK: We can do a wrought iron type fence with the pointed top, some type of decorative top.

MR. TORLEY: I assume this site will have lights on it?

MR. DRABICK: Yes, yes, these, when we go back into the planning board, we'll have to prepare detail plans to include lighting, landscaping, grading.

MR. MCDONALD: Question on your oil and water separator, and I question why it's at the extreme north end of the property line, when your garages are at the extreme south end, I don't see any direct flow from your three garage doors into the oil and water separator.

MR. DRABICK: Well, there is, there's a set of basins that exist here, we don't have anything direct from the garage. But, again, if directed by the planning board, we incorporate four drains which will run into the drainage system and all this is, this comes down into here. The idea here is to catch, the idea here is to, in catching oil runoff from the parking lots here also.

MR. MCDONALD: What about the garage?

MR. DRABICK: That can be incorporated into the same drain.

MR. BABCOCK: I have a note to have Mark look at that and he's already talked about it. Steve, one other thing while we're on that subject, it appears to be in the Town right-of-way, I don't think that that's going to be acceptable, you have to push it back a little bit.

MR. DRABICK: Right, we probably would end up pushing that back until we were within our own property.

MR. TORLEY: There's an underground gas line, what are you putting on top of that, is that pavement?

MR. DRABICK: The only thing we're allowed to put on top of that is pavement and in addition, what we have done is we have left islands open, the islands that you see opposite the end of the structures will be open grass areas and the areas in between of course will be paved.

MR. NUGENT: Any further questions by the board? At this point, I'd like to open it to the public. Please don't be repetitious and only one at a time and address your comments to the Chair. Anybody like to speak? State your name please for the record.

MR. KINTZ: Mark Kintz, K-I-N-T-Z. I have a list of several questions and maybe concerns, do you want me to do one and then turn the time over to others or just talk?

MR. NUGENT: No, go through the whole thing and then we'll turn it over to him and let him address whatever you have to say.

MR. KINTZ: I had heard because of the school reconstruction that the 9W was going to be widened over onto the east side of 9W, so I had a question about whether that adding was even, I hadn't seen plans for it, so how will that affect this, how does that affect the property? And my big concern there is will this property or this development then force the widening of 9W over into other neighborhood which is a concern. Second concern is that this will all be now paved land which means that the runoff will be going into Moodna Creek, rather than seeping into the soil and gathering there and I think that with a storage unit, you're going to have a lot of trucks and cars and things like that so we're going to have a lot of oil and pollution go into the creek, what you normally wouldn't have in the area. Third concern is that with this many storage units, space is going to matter because people have to maneuver in and out and load in and out and I didn't know the nature of the variances, so I'm not all sure what impact they have on the movement, but I do know that when people are moving things they, you know, they need space to turn around and move, especially if they have big trucks, furniture trucks and things like that. Next is my concern about traffic where Sloop Hill hits, meets with Shore Road, as you're going down Shore Road to the Cornwall Yacht Club, there's a double blind curve at Ceely's, two blind corners and I think we're going to be putting a lot of traffic at the top of the double blind curve which I think is pretty dangerous, it's already pretty dangerous turn, the map here does not show that turn in the road but there's actually an S curve in there and it's steep and people come around it treacherously, so you're going to put a lot more traffic at the top of the curve. And then my next concern is the traffic that's going to be put at the intersection of Sloop Hill, Forge Hill and 9W which is already very dangerous intersection because of the various natures of it, all the different traffic flows and I'm really concerned about us putting more traffic in that intersection, especially traffic from a new direction that in the past has had less traffic. So, I

think there's a real safety issue there and my understanding is that the way that light is configured on that intersection is now the best it can be. So I really wouldn't want anymore traffic in that intersection. Thank you. Last point I didn't know there was so many special variances needed to do this job, it sounds like every part of the project has a special variance, they don't all concern this body, but there's a lot of things in this plan sounds like that make this property just not fit to for a business from a layman's point of view. Thank you.

MR. NUGENT: Would you like to answer those concerns before we go onto another person?

MR. DRABICK: Certainly I can address them. With regard to the Route 9W widening, we did have preliminary discussions with the DOT in regard to that. It's our understanding that the widening that's going to take place that will primarily affect us will involve the parcel which adjoins us immediately to the north, in fact, both the existing dwelling that sits on that particular parcel as well as the block and frame garage that we show here is slated to be removed to incorporate that widening. With regard to the affect that it will have on this particular project, we were assured that it would not affect this. However, in drawing the final plan for sketch purposes here, we did remove at one point, we had a row of storage units that ran along the bounds of Route 9W, which prompted us a request for an additional variance because of the setback, but it being at the bottom of the bank there of this highway, we had looked at putting units there. They were subsequently removed because of the anticipated widening of the road. Obviously, those final decisions are up to the DOT and in fact, if the widening is to come any farther onto our particular site, we would have to deal with it accordingly. But regardless of whether the project is approved, by the Town to go in for this, DOT has the final say and in that case, it's not going to force their decision because the width being on the opposite side of 9W.

MR. KINTZ: Can we have a guarantee under no circumstances would this change the Department of Motor

Vehicles or the whoever, DOT's thinking?

MR. DRABICK: I'm in no position to speak for the DOT, all I'm saying what the DOT decides to do will affect both us and adjoiners on the other side of Route 9W. I don't think the approval of this project will change their thinking.

MR. BABCOCK: Steve, touch on the oil water separator that was an issue too of the water that's going to go into Moodna.

MR. DRABICK: Space was another item that you had brought up, in fact, if you look at this particular project, we have provided more space between the existing units than you'll find on most mini storage units in the area. And, in fact, we were directed through some workshop meetings to make sure that we can adequately get fire apparatus around this site which we feel we have accommodated with the layout that we have here. Drainage we're looking at we'll meet whatever is required by the Town regulations as well as DEC regulations on this site and preliminary here one of the ideas here is to place an oil water separator on site, in fact, to collect that runoff that will be coming from the macadam surface. Of course, that oil water separator will separate the oil so that the remaining drainage which we primarily, water is what will make its way into Moodna Creek. Lastly, traffic, I know in looking at we haven't done any formal traffic studies here at this, we'll be faced with that at the planning board level. I am well aware of the S turn in the road there, that's where Shore Road meets Sloop Hill Road. That has always been a bad turn. There has been talk over possibly eliminating that turn with the extension of Sloop Hill coming around at the very end down, whether that will happen in the near future, we can't say for certain, but that's a bad turn, it always has been a bad turn. However, we feel that the amount of traffic use and the timing of the traffic that will utilize this particular storage structure won't have a severe impact at that particular intersection.

MR. FRANK LAPOLIS (PHONETIC): If you've ever looked at the, a mini storage facility and the amount of traffic

that comes in and out of one, there really isn't, there really isn't any, I mean, car comes in, they do their business, a car comes out. There's not, I rent one myself at the Guardian over there and I go in there, sometimes, I'm the only one in the whole facility. I leave, sometimes no one comes in, sometimes someone else has does, but there's not really a lot of traffic that comes in and out of them.

MR. NUGENT: Yes, sir?

MR. DAVID RINGEL (PHONETIC): David Ringel, DOT, what happened in Cornwall, they're making, with Willow Avenue there's all these problems going on, you can't say that they are not going to do our side of the street today, they'll tell you yes, tomorrow, they'll tell you no. If you put a 6 foot fence, they're going to say you have a boundary on the west side, doesn't have anything, boom, they're going to widen our side of the road. We have nothing now keep it the way it is.

MR. BOB FARKAS: Bob Farkas, I own 6 Sloop Hill Road, which is an apartment and the eight garages. The DOT has already came to me, they're going to take all my property, take the houses down, they are actually going to take ten foot and possibly give it back to me. I'm losing everything on that side of the road so I'm losing everything, so, I mean, it's a point where the DOT isn't going to change their mind for what we do as a project whatsoever. If they feel that it's in the best interest of the state, they're going to do whatever is necessary to make it for 9W. But right now, it's going, you know, the plans are they are not taking a lot of property, only ten foot, but it's mostly on my property.

MR. HUGH GAVIN: Hugh Gavin. One thing would concern me would be the DOT, too, is I realize when I attended the meetings in Cornwall, they were taking that property and can't picture it coming down and doing this now, taking more than over an even keel because one of the other plans was to cut out some of that hill because they have already been over on Canterbury Lane and staked out, we were told they are going to lower the hill and take the big lump, so they are going to

reconfigure the whole hill, if this property is being extended with the fence further than it can, I would suspect that they are going to have to take some of this. Then the question would come down to will they take a business or will they take a house and I suspect they'll take a house on the west side rather than a business.

MR. NUGENT: We have absolutely no bearing over that.

MR. GAVIN: My concern, I realize this property is now zoned different than it used to be last year, two pieces of property over there were to be rezoned as residential commercial, whatever it's called, it was residential, and Scenic Hudson objected to one of the parcels being rezoned and they allowed this one to be rezoned. Again, one of the concerns is pollution. My concern also would be the repair business, we're hearing tonight as someone said repair business is like a garage, we're asking for changes in all kinds of things, nothing is going along with the way to fit in there and my concern is we have just changed from residential, our neighborhood, into residential commercial, now we're being asked to allow something bigger than what's supposed to be in there. So the whole neighborhood is being changed and has a lot of affect of a fence too close to the road, too close to 9W. Oil water we're concerned about, repair business which is not allowed there from what you had read without another permit and so forth which isn't in the letter and there's so many exceptions to this, I think it should go back to fitting within the zoning so that this sudden change does not appear.

MR. NUGENT: This particular use is allowed in the zoning.

MR. GAVIN: Yes, it is, I realize that, but from my understanding, you just said the three repair garages are not without special permit and he's here for a zoning, for variances for all kinds of extending, extending the project as opposed to keeping it.

MR. NUGENT: He's not extending the projects, those permits do not allow him to extend it, what they are

doing is allowing him to put a piece of the building closer to the property line than the law says it can be. It's still not going beyond his scope of his property.

MR. GAVIN: No, but if you didn't allow him to put the building that close, then the scope of the property would be smaller.

MR. TORLEY: That would not as a plan show where the garages are. Our Town Code simply says if you want to put up a service garage, even if you meet all the setback requirements, you must go through the planning board for their approval as well.

MR. GAVIN: A garage is permitted over there?

MR. DRABICK: It is permitted by special permit.

MR. TORLEY: If the planning board grants that, not us.

MS. SUSAN ZAPPOLO: Susan Zappolo, I live on Forge Hill Road, as far as neighborhood commercial NC, that's what that stands for, correct?

MR. NUGENT: That's right.

MS. ZAPPOLO: This is what this would be neighborhood commercial, right?

MR. NUGENT: Right.

MS. ZAPPOLO: We're going back to the service garages that's permitted under neighborhood commercial, I was--

MR. NUGENT: Yes, under special permit.

MS. ZAPPOLO: Special permit is not offered here, it's offered at the planning board?

MR. NUGENT: Planning level.

MS. ZAPPOLO: So we're here, this gentleman is here representing other people to get a permit to get, to be able to go back to the planning board to get the

special permit to do the other things?

MR. NUGENT: That's correct.

MS. ZAPPOLO: This is the preliminary, okay, for all the other things that are going to happen?

MR. TORLEY: Some of them.

MS. ZAPPOLO: So, if you gentlemen decide that they cannot do this, then can they go back to the planning board, start all over or is it just--

MR. NUGENT: They can.

MS. ZAPPOLO: Okay, I think what we're concerned about or what I am concerned about, okay, is residential neighborhood commercial which I always thought neighborhood commercial was a doctor's office or a dentist office or a church or whatever, in a residential area. I can't see in a residential area having a garage or a service station or whatever you want to call it where there are people living around there, I mean, it's fine if it's commercial, but if it's neighborhood commercial, I don't think that that should be allowed.

MR. BABCOCK: Mr. Chairman, just one thing that the people may need to understand is that at the special permit for planning board, they must have a public hearing also so everybody that's here tonight will be invited back at that public hearing for the planning board.

MR. NUGENT: Ma'am, I would like to read you what can be allowed on that piece of property. Buildings, structures in the Town of New Windsor to include recreation facilities, places of worship, retail stores and banks, personal service establishments, eating and drinking places, including catering establishments, professional businesses, executive and administrative, medical and veterinarian, and service establishments furnishing consumer services, that's what can be allowed.

MR. BABCOCK: Plus there's a B column.

MR. NUGENT: Which is by special permit, is home professional office, living quarters for not more than one family located within a commercial building, dry cleaning establishment, laundromats, trailers for businesses, office and commercial purposes not exceeding a six month duration, private schools, gasoline stations, railroad, public utility, radio television and cellular transmission antennas and right-of-ways can be allowed on that property in a NC zone.

MS. ZAPPOLO: By special permit.

MR. NUGENT: But the first part I read you is granted by use.

MR. TORLEY: Mr. Chairman, mini warehouses are specifically approved by right of use there too.

MR. NUGENT: Anyone else like to speak?

MR. KINTZ: This question is about traffic, you mentioned something about Shore Road being the S curve being eliminated by Sloop Hill being moved in some way, would this mean that, for example, Ceely's would be removed or at least isolated or I didn't catch that answer?

MR. DRABICK: There has been talk in the past and we're entertaining reopening the idea of running Sloop Hill to the end as we're showing on this project and having it turn south through the southerly side of the Nannini and Callahan piece and having it come out on Shore Road down on the, would be the south side of the barn that sits down there. This was looked at a number of years ago, was never really pursued, wasn't any reason really to pursue it then because what was located in this area now was located back then the same and the character of the neighborhood really hasn't changed any over that time. If, in fact, it were to come about and happen, that S turn that comes around Ceely's right now would be eliminated and in all practicality, a portion of the property would probably go back to Ceely's, it would

become part of the residential lot.

MR. GAVIN: Is that part of the plan and who's paying for it?

MR. DRABICK: It's not part of this plan.

MR. NUGENT: But the water line extension is.

MR. DRABICK: Yes, that is and that's a first step in pursuing possibly rerouting that road and making it a better travel way all around, these things have to happen in stages and there has to be enough reason to warrant that type of change in the road.

MR. KINTZ: And you feel that this would be a sufficient reason?

MR. DRABICK: Certainly.

MR. KINTZ: So, if this is approved, basically, it will take the Ceely's, it will take their main business and put it on a cul-de-sac or a dead-end?

MR. DRABICK: Ceely's will still have, they still, currently they are, the property that they own, they do still own like a small piece that actually sits on the other side of that S turn, they do actually have some frontage along Sloop Hill.

MR. KINTZ: As a business, they'd be taken off the road that they are on now, their road would become back, back water, you would--

MR. DRABICK: They'd be taken off Shore Road, but they'd still have their business on Sloop Hill Road.

MR. NUGENT: We're getting way out of line here.

MR. KINTZ: Well, I think that we have to.

MR. NUGENT: Has no bearing on these variances what Ceely's does or doesn't do, has no bearing on these variances.

MR. KINTZ: I think it has a bearing on our concerns.

MR. TORLEY: None of your questions, they are really more appropriate for the planning board sessions, as Mr. Babcock mentioned, there will be a public hearing for that, for your questions regarding the garage are more appropriately centered.

MR. PARKER ORMEROD: Parker Ormerod. I'm a Forge Hill resident. My question, Mr. Drabick, is I understand that a certain number of storage units have to be on this property to make it commercially viable, and you're requesting setbacks in order to acquire the ability to put more units on here, my question is this, are these, is this really the variances really being sought for the addition of the units or is it being sought for the purposes of the service garage, if the service garage was omitted from these plans, and it was just the permitted usage, would that not then give you the same number of units that you have currently on the plan without the need for the variances?

MR. DRABICK: It's true, if we were to eliminate garages, we could supplement storage units there. However, we'd have to look at possibly redesigning the whole site. Basically, the way this is set up right now is the garage units and the office and the proposed apartment above that office sits outside of the fenced area outside of what would be the secured area and they have their own parking lot to service that particular area. The remaining units are designed to be enclosed all within that particular fenced area. And this design works well, it works well not only in the layout of the buildings, but it also works well in how the topography of this particular site sits because the site that we have the garage and the house sitting on is elevated above the remaining part of the site. And the variance that we're asking tonight we're asking because we felt that in a sense they are not substantial variances, the granting of these variances will, too, the granting of the variances, the variances dealing with the setbacks to the units will in fact allow us to put a, in the neighborhood of seven additional units, that's all we're looking to add with the request of these variances. Of course, the request

for the fence variance is a little more substantial because obviously, we feel four foot high fence is not adequate for security and storage unit facility, so that variance is a little more important. But the setback variances are just to allow us to get these additional seven units and we feel that not only are they not substantial, but we also have to deal with the existing right-of-way and that's what's prompting the request for these variances because we're not allowed to use the area that falls in that right-of-way for any kind of permanent structures.

MR. NUGENT: No further question?

MS. ANNE KANE: Anne Kane, Canterbury Lane. He mentioned something about there's not going to be any traffic in a storage facilities. Well, you're not mentioning anything about the service traffic you're going to get for the service area, is there going to be trucks, what size trucks are going to be coming in there to be serviced?

MR. LAPOLIS: Auto, if anything.

MS. KANE: Also mentioned new and used cars that you are selling, is that going to be part of it too?

MR. LAPOLIS: It's not necessarily part of it.

MR. TORLEY: Again, ma'am, that's really, ma'am, that again is something for the planning board, that's addressed at the planning board.

MS. KANE: You're going to approve all this and they are going to get to the planning board and it's going to get pushed through like everything else in the Town.

MR. TORLEY: If these variances are in effect, what he's proposing is the garage structures meets all the zoning code setbacks for a building, what he wants to put in them, so he would not have to be here for just those buildings, what he wants to put in the buildings requires planning board approval. So that's really, so your question regarding the garage and used cars are really for the planning board, not for us, we have no

jurisdiction over that.

MS. KANE: You're saying there's not going to be any traffic because of the mini thing, I'm saying is there going to be traffic because of these trucks coming in to be serviced every day?

MR. NUGENT: We don't know that answer.

MR. ORMEROD: One last thing, how many units are on the site at this point?

MR. TORLEY: They are different sizes so--

MR. DRABICK: They are different sizes, we've got them enumerated per row, just roughly here we're looking at about 180.

MR. ORMEROD: Can you not fit as many units as you now show on your plan excluding this service facility that you do not even as yet have a facility for or have a permit for without asking this board for the variances on the site area that you would have available?

MR. DRABICK: We could, but the fact of the matter is that we're looking to put a building there with the services units in them, that's the reason we're here, that's the reason we're asking for the variance.

MR. BABCOCK: See this Central Hudson right-of-way, if that wasn't there--

MR. GAVIN: I think what we're really saying we'd like zoning was just changed, we'd like it to stay within the zoning. And what I hear there's an awful lot of uncertainty, that's what worries us, too.

MR. NUGENT: What you're doing is you're addressing the wrong people. We're here to give them three variances, a 14 foot on one side, an eight foot six on the other side and 500 feet of 6 foot fence, that's it.

MR. GAVIN: But if you didn't grant that then some of this other stuff would not be possible.

MR. NUGENT: They can rearrange it and do it again.

MR. GAVIN: It stays within the zoning.

MR. NUGENT: It is in the lot, it's still in the lot.

MR. GAVIN: Not without the variance.

MR. NUGENT: Okay, is there any further questions? I would like to move it back to the board, if there's none. Get this thing moving.

MR. TORLEY: Sir, two questions, you mentioned that if the one adjoining the Central Hudson Gas and Electric Corporation that setback, that spacing, the fire department's happy with that space?

MR. BABCOCK: Yeah, I have the approval in my.

MR. TORLEY: Now, another concern is the one at the base of Sloop Hill Road that if you remained at the proper setback there you can also move the fence back, less visual impact on that, so I'd like you to speak to that and secondly, since you say you can put no permanent structure over the right-of-way, how are you putting the fence?

MR. BABCOCK: The fence is acceptable.

MR. DRABICK: The fence is acceptable and plus we show proposed gates at those locations which Central Hudson will have access to.

MR. TORLEY: Finally, this is for my, to quiet my nerves a little bit, I'm sure it's going to be brought up at the planning board, construction on or above the underground pipe lines?

MR. BABCOCK: That's something that Central Hudson is going to get a copy of and they are already involved in that.

MR. DRABICK: We have been in contact with Central Hudson before we started the project to see what we'd be allowed to do over that particular gas line and they

have no problems with this plan.

MR. NUGENT: I heard you say before something about gained seven units because of the variances.

MR. DRABICK: We would gain about seven units for the variances, that's correct, because the greatest, the rear seat back variance we would end up losing one unit there, however, the units that we're looking to put between the right-of-way and Sloop Hill Road, we would have to eliminate the end until we reached a point where we're 40 feet to the road line. We could still get some units in along that side of the right-of-way but the variance would allow to us get six more.

MR. NUGENT: One over here by the Central Hudson substation?

MR. DRABICK: Right.

MR. NUGENT: And approximately six on the front here?

MR. DRABICK: That's correct.

MR. REIS: If the board requested you to make those adjustments, Steve, economically, would it make sense for your client to proceed with this to stay within this?

MR. DRABICK: We would have to sit down and look at reconfiguring and what we, you know, the number that we could get, but I don't know if I can give you a definite answer at this point, we'd have to sit down and look at what our alternative was and redesigning it. Our biggest concern here of course is dealing with enough adequate space between the buildings, as well as adequate parking to serve this facility which we have incorporated here to accommodate the number of units that we'd like to see.

MR. BABCOCK: Steve, have you broke out how much square footage of this property is covered by the easement, do you have any estimate?

MR. DRABICK: Roughly the easement covers a little less

than a quarter of the area of the property less than 25 percent of that lot.

MR. BABCOCK: Do you see that easement, that easement is 50 foot wide, runs from building to building, is where the problem he's having.

MR. TORLEY: Do excluding that, the lot area still would meet the requirements?

MR. BABCOCK: He's well over the lot area, I think that the easement is probably close enough to be the lot area that's how much he's losing.

MR. DRABICK: Right, without that, obviously, without the easement there, we certainly would be able to stick a fair amount of additional units, storage units on the site and still meet everything that we would be required to do by zoning, I mean, without asking for variances.

MR. NUGENT: Was there any further questions by the board?

MR. TORLEY: I move we close the public hearing.

MR. MC DONALD: Second it.

ROLL CALL

MR. REIS	AYE
MR. MCDONALD	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. TORLEY: Mr. Chairman, I'd like to address each of the variances separately.

MR. NUGENT: Fine.

MR. TORLEY: I have a problem with one and not the other so--

MR. NUGENT: Fine, we can take them one at a time.

MR. TORLEY: Entertain a motion on this matter?

MR. NUGENT: Yes, I will.

MR. TORLEY: I move first I move that the Sloop Hill Road be granted a variance for the 14.7 foot front yard setback, that's the one on Sloop Hill Road.

MR. MCDONALD: Second it.

ROLL CALL

MR. REIS	AYE
MR. MCDONALD	AYE
MR. TORLEY	NO
MR. NUGENT	AYE

MR. TORLEY: Secondly, Mr. Chairman, I would move that the Sloop Hill Road Associates be granted 8.6 foot rear yard variance.

MR. REIS: Second it.

ROLL CALL

MR. REIS	NO
MR. MCDONALD	AYE
MR. TORLEY	NO
MR. NUGENT	NO

MS. BARNHART: That motion is denied.

MR. TORLEY: Third motion for the 500 foot of 6 foot fencing in the, what are deemed front yards and before as I make that motion, I have a question for our attorney, we would be beyond our jurisdiction to put any stipulations about what kind of fencing? That's the planning board?

MR. REIS: They are going to require landscaping, lighting.

MR. KRIEGER: They are going to require landscaping and lighting, but in terms of reasonable conditions, limiting the kinds of fence, no, you wouldn't

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necessarily be under your jurisdiction.

MR. TORLEY: I move that such variance be granted providing that the fencing along Sloop Hill Road not be a chain link variety.

MR. MCDONALD: Second it.

MR. DRABICK: That's only along Sloop Hill Road side?

MR. TORLEY: Yes.

ROLL CALL

MR. REIS	AYE
MR. MCDONALD	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

01/10/00 Public Hearing: Sloop Hill Road / Farkas #99-52

Name:	Address:
Mike Mastalocco	3 Forge Hill Rd
✓ Susan Zappala	5 Forge Hill Rd
✓ MARK KINTZ	31 CANTERBURY LANE
Anne Farnick-Kane	33 Canterbury Ln
W. PARKER ORMEROD	59 FORGE HILL RD.
Victor A. Calchi	5 Canterbury Sq.
Louis Pignotti	7 Canterbury Ln
KATHLEEN CORLE	7 CANTERBURY LANE
Maria Calchi	5 Canterbury Lane
Frances Lewis	4 Canterbury Lane
✓ Don Boyd	29 Center Dr, W.
✓ Thuy B. Kim	8 Canterbury W.
Ann. G. G. G.	12 Canterbury Lane NW.
Shannon Kintz	31 Canterbury Ln W.W.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

99-52

Date: 12/18/99

I. ✓ Applicant Information:

- (a) SLOOP HILL ASSOC. PO BOX 495, CORNWALL, NY ROBERT FARKAS
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) STEVEN P. DRABICK, PLS, PO BOX 539 CORNWALL, NY 12518
(Name, address and phone of contractor/engineer/architect)
(534-2208)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) NC SLOOP HILL RD. 37-1-13 2.42 AC
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-3
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 6/25/99
- (e) Has property been subdivided previously? YES
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-9, Table of USE/BULK Regs., Col. E, G.

Sec. 48-14-C(1)(c)(1) - NC USE GROUP A 10

Requirements	6 Ft. Fence in front yd.	Proposed or Available	Variance Request
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.	<u>40'</u>	<u>25.3'</u>	<u>14.7'</u>
Reqd. Side Yd.			
Reqd. Rear Yd.	<u>15'</u>	<u>6.4'</u>	<u>8.6'</u>
Reqd. Street Frontage*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ratio**			
Parking Area			

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

✓ whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(See attached.)

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N*

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

(See attached)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 150.00 and the second check in the amount of \$ 500.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 11-11-99

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Robert J. Smith
(Applicant)

Sworn to before me this

10th day of November, 1999. Janne Mahoney Notary

JEANNE MAHONEY
Notary Public, State of New York
No. 4566044
Qualified in Orange County
Commission Expires Apr. 30 2000

XI. ZBA Action:

(a) Public Hearing date:

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC
HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF
APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

V. (b)

Looking at the possible uses for the vacant property compatible to the NC Zone, it becomes quite obvious that the proposed mini-storage facility poses the best appropriate use of the site as well as the best return on the cost investment for the development of the property. The site is situated between Route 9W and Sloop Hill Road, a dead-end street. The travelway of Route 9W lying to the northwest is well elevated above the site with the imposing 20-40' high embankment offering a physical buffer to the property. The site itself is fairly uniform in grade suitable for such use and would be accessed only from Sloop Hill Road. The property is bounded on the northeast by lands of Farkas, a principal in Sloop Hill Associates, and houses a block & frame garage nearest to the proposed mini-storage facility as well as a multi-family dwelling. Both structures are slated for removal for the proposed improvements to Route 9W being undertaken by the NYSDOT.

On the southwest, the site is bounded by a CHG&E Gas Regulator Station, Lands of Furman, which houses a mobile home, and Lands of Buckner being a waste oil recovery facility. Both the Furman & Buckner properties are further buffered for the proposed site via an existing 30' wide right of way with a portion of the travelway paved. An additional area along the right of way will remain development-free due to an existing easement for CHG&E underground gas line running to the regulator station.

On the southeasterly side of Sloop Hill Road, the property is owned by Nannini & Callahan and houses several rental dwellings, rental mobile homes and a sand quarry.

Running through the proposed site itself is an existing 50' wide right of way to CHG&E which also incorporates a 10' wide easement for the aforementioned gas line. It is the proximity of the right of way which precipitates the request for two of the three variances the applicant is seeking. Because the existing right of way occupies roughly one-quarter of the area of the site, and in complying with all of the other requirements to meet zoning, to include parking and adequate distance between structures, the placement of additional storage units along the southeasterly bounds of the 50' wide right of way and along the northeasterly bounds of the easement for the gas line between the northwesterly bounds of the 50' wide right of way and the southeasterly boundary of the gas regulator station, is necessary to offset the area lost to the undevelopable portion of the site in right of ways. In doing so, a variance for a front setback of 14.7 and a variance for a rear setback of 8.6 is requested. The applicant believes that both requests are not substantial and given the location on the site for which they are being asked for will not have an adverse effect or impact on the physical or environmental condition of the neighborhood. The only way to alleviate the need for the variance is to reduce the number of storage units which is contradictory to the goal of developing the site.

The third variance is for a request to allow a 6' high fence to be placed along Sloop Hill Road and Route 9W sides of the project. Current zoning allows for only a 4' high fence. Security is essential to a mini-storage facility and the applicant feels that a uniform 6' high fence surrounding the entire site is fundamental to achieving one aspect of security. A 4' high fence is inadequate.

The need for the variances is predicated on developing the property for a mini-storage facility maximizing the use of available area and, thus, has to be considered self-created. In considering the composition of the existing neighborhood, granting of the variances will not produce an undesirable change to the character of the neighborhood nor be a detriment to nearby properties. The proposed use of the site is compatible with the NC Zone. The granting of the variances will help achieve meeting the desired number of storage units for the site.

These variances are not substantial and will not adversely impact the area or district in which such a use is permitted.

VIII.

The development of the site as a mini-storage facility is a notable improvement to both the property itself and surrounding neighborhood.

The project is designed to be a secure facility as well as one which will be aesthetically pleasing. It will incorporate adequate parking, subtle lighting, and a management office as well as functional landscaping. All drainage will be handled on site with additional improvements along Sloop Hill Road to a new discharge point in Moodna Creek. An extension of an existing water main along Sloop Hill Road will provide not only water service for the project, but also for the other structures along Sloop Hill Road and provide better fire protection with the placement of a new hydrant at the terminus of the main.

P R O X Y A F F I D A V I T

SUBMISSION OF APPLICATION FOR VARIANCE # 99-52

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

ROBERT FALKAS, deposes and says:
I am the OWNER of a certain parcel of land within the TOWN OF NEW WINDSOR designated as tax map SECTION 37 BLOCK 1 LOT 13. I HEREBY AUTHORIZE STEVEN P. DRABICK of STEVEN P. DRABICK, PLS. PC (company name) to make an application before the ZONING BOARD OF APPEALS as described in the within application.

Dated: 11-11-99.

[Signature]
(Signature of Owner)

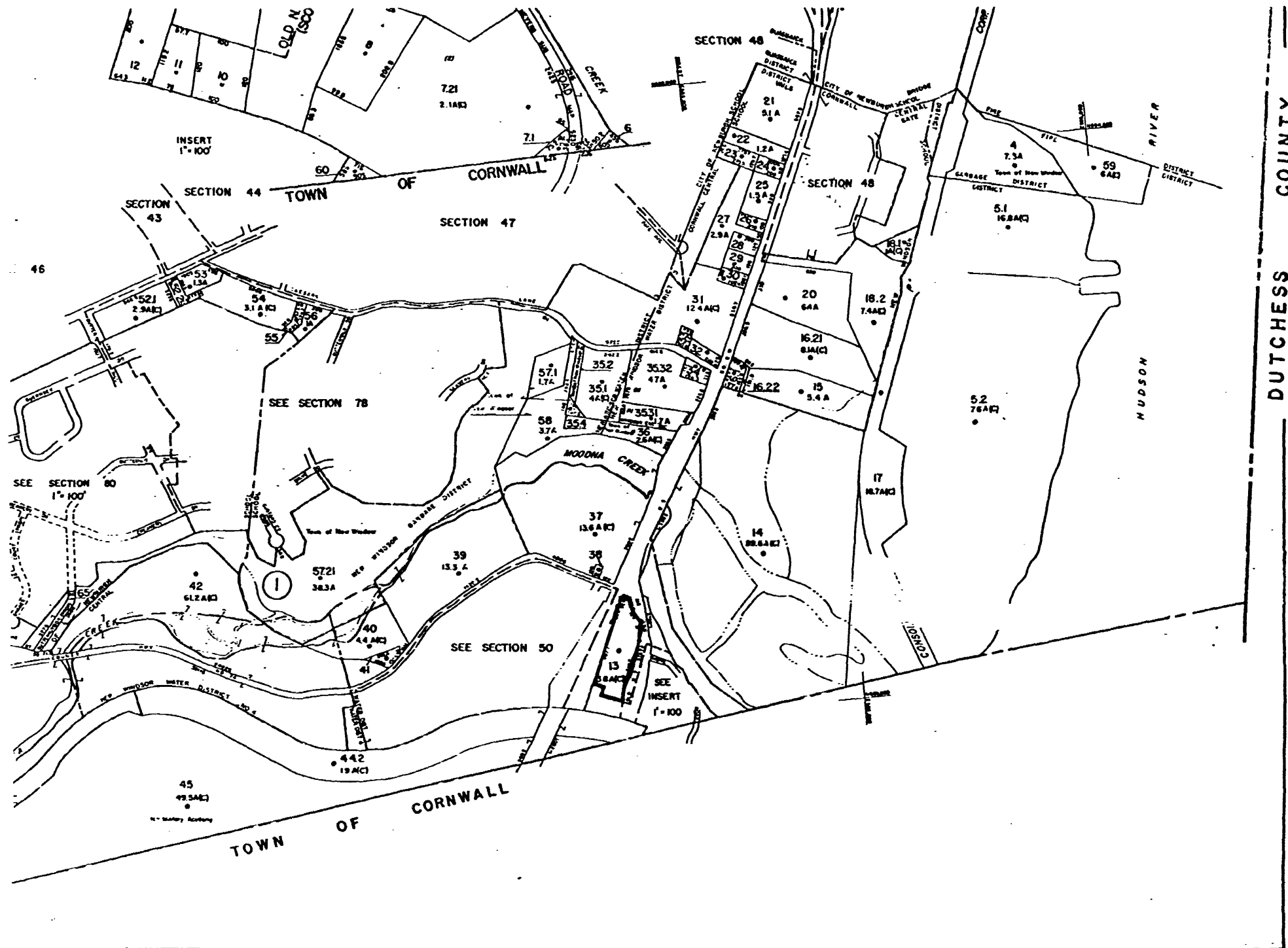
Sworn to before me this

10th day of November, 1999.

[Signature]
Notary Public

JEANNE MAHONEY
Notary Public, State of New York
No. 4965044
Qualified in Orange County
Commission Expires Apr. 30, 2000

(ZBA DISK#1-060895.PXY)



LEGEND

FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
STREET LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.

ORANGE COUNTY-NEW YORK

TOWN OF NEW WINDSOR

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

Prelim.
Dec. 13, 1999.
#99-52

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 99-25

DATE: 10-27-99

APPLICANT: ROBERT PARKAS / Sloop Hill Assoc.
16 LAUREL AVE
CORNWALL, N.Y. 12518

Steve
Drabick L.S.
Lois

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 20 SEPT 99

FOR (~~SUBDIVISION~~) - SITE PLAN)

LOCATED AT ROUTE 9W & SLOOP HILL RD.

ZONE NC

DESCRIPTION OF EXISTING SITE: SEC: 37 BLOCK: 1 LOT: 13

Const. of mini-storage units & 3 service garages.

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

#1 FRONT YARD VARIANCE

#2 REAR YARD VARIANCE

#3 500 FT OF 6 FT FENCE IN FRONT YARD - Supp Yard Reg.
Sic.

[Signature]
48-14-C(1)
(C) []
MARK J. ENSALL P.E.
MICHAEL BABCOCK,
BUILDING INSPECTOR

REQUIREMENTS		PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE	<u>NC</u>	USE <u>A-10/B-7</u>	
MIN. LOT AREA	<u>10,000 / 15,000</u>	<u>77,844</u>	<u>—</u>
MIN. LOT WIDTH	<u>100 / 125</u>	<u>> 200'</u>	<u>—</u>
REQ'D FRONT YD	<u>40 / 40</u>	<u>25.3</u>	<u>14.7</u>
REQ'D SIDE YD.	<u>15 / 15</u>	<u>15</u>	<u>—</u>
REQ'D TOTAL SIDE YD.	<u>35 / 30</u>	<u>35.7</u>	<u>—</u>
REQ'D REAR YD.	<u>15 / 15</u>	<u>6.4</u>	<u>8.6</u>
REQ'D FRONTAGE	<u>N/A / N/A</u>	<u>—</u>	<u>—</u>
MAX. BLDG. HT.	<u>35 / 23</u>	<u>< 23</u>	<u>—</u>
FLOOR AREA RATIO	<u>1.0 / 0.5</u>	<u>0.04</u>	<u>—</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>—</u>	<u>—</u>
DEV. COVERAGE	<u>N/A / N/A</u> %	<u>—</u> %	<u>—</u> %
O/S PARKING SPACES	<u>28</u>	<u>29</u>	<u>—</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

ZBA REFERRAL:

SLOOP HILL ASSOCIATES SITE PLAN (99-25)

Steven Drabick appeared before the board for this proposal.

MR. PETRO: This application proposes construction of mini storage units and three service garages. This plan was reviewed on concept basis only. So, this is the first time we're seeing this.

MR. DRABICK: This is the first time formally with an application.

MR. LANDER: This has been here before.

MR. DRABICK: I had included it as a second page on the original subdivision that broke the property up into two lots, so we can proceed with the mini storage.

MR. PETRO: This is off 9W down the hill, right? Okay.

MR. DRABICK: Right, Sloop Hill Road there. We're before the board this evening for a referral but before I get in the specifics of the variances we're looking for, let me just briefly go over the plan here. This is on a 2.4 acre site, located in an NC zone. The area does have municipal water available, however, sewage disposal is by private individual septic systems. We're proposing a mini storage facility that will house I believe it's 147 units with a total of 22,675 square feet of storage space. In addition to that, we're proposing a building which will house a proposed office to maintain the storage area and three service garages for auto repair.

MR. PETRO: Where are they on the plan, Steve, down here on the bottom?

MR. DRABICK: Yes, the building that's in here, it would be three garages and the office.

MR. PETRO: Those garages are permitted use in the zone?

MR. DRABICK: For service garage in the NC zone, yes, as far as I understand.

MR. PETRO: Service though, Mike, service for what, just any kind of service?

MR. BABCOCK: Service repair for automobiles, it's a permitted use.

MR. PETRO: Not just conducive to the site, in other words, anybody can go in and do what you want?

MR. DRABICK: Right.

MR. BABCOCK: Right.

MR. DRABICK: So, that's what we're looking to place on the site here. Again, the plan that you have before you this evening is a concept plan showing an overall view of the improvements we're looking to do there. Again, briefly, we're working on individual sheets for multi-sheet plan for full site plan review which will address all the requirements we need in the review, such as grading, drainage, landscaping, lighting and of course, the sewage disposal system.

MR. PETRO: You're here just to get over to the ZBA concept, though, actually we have seen it before, we don't have a problem with it.

MR. LANDER: The new thing since I've seen it is the proposed garages, is that correct?

MR. PETRO: I've never seen that myself.

MR. DRABICK: No, the other plan we did have garages, as a matter of fact, I think on the other one, we had three garages and office with an apartment over the office.

MR. PETRO: We have Nanini and Callahan's just down the road.

MR. DRABICK: They own the property directly across the

street on Sloop Hill, they have a number of I think there's three trailers and a couple residences that they use as rentals.

MR. LANDER: Ron Buckner has his oil company behind this.

MR. PETRO: Seeking two variances?

MR. DRABICK: We're seeking two area variances, front yard variance for the mini storage units on Sloop Hill Road and then a rear yard variance for the one unit that sits up next to the Central Hudson regulator station in the back there. We're looking for 14.7 feet on the front offset and an 8.6 variance on the rear offset. Now, in addition to that, Mark had pointed out that we'll also have to seek a variance for the construction of the six foot security fence in the location along the front along Sloop Hill Road, I guess zoning allows four feet.

MR. EDSALL: That's correct.

MR. DRABICK: Also, the security fence that would run along what we would consider the rear of the property but is actually a front yard because of Route 9W.

MR. PETRO: How about parking, cause I see some of the information on parking wasn't correct, so we're going to have, is that going to change, you need a variance for that also?

MR. DRABICK: Well, yes, there were a couple changes, one was we had a bay size for the service repair garage being 10 x 20, I understand it's 20 x 20, what it does is it allows us one less parking space for the area outside the bay, but in addition to that, the big change I guess this was a change in new zoning was a requirement for additional ten spaces for any kind of warehouse use. Now, in looking at the plan, I feel we can accommodate that in the area that exists along the lot line between one and two there, we do have room to get ten spaces in there, so at this point, we wouldn't be looking for the variance in the parking.

MR. PETRO: Motion to approve?

MR. STENT: Make a motion we approve the Sloop Hill Associates site plan.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Sloop Hill Associates site plan on Route 9W and Sloop Hill Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	NO
MR. STENT	NO
MR. LANDER	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for necessary variances. Once you have received those variances and have them on the map, you may then reappear before this board.

MR. DRABICK: Thank you.

Date 1/8/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550 DR.

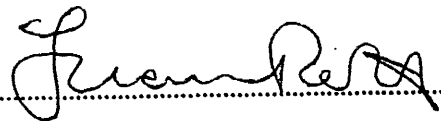
DATE			CLAIMED	ALLOWED
12/13/99	Zoning Board Mtg		75 00	
	Misc - 1			
	Farkas - 4 - 18.00.			
	Malazuk - 3 - 13.50.			
	DiBernardo - 6 - 27.00			
	Impellittiere - 6 - 27.00.			
	Accettura - 3 - 13.50.			
	<u>23</u>		<u>92 00</u>	
			167 00	
	<i>James Vincent</i>			

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day
of, 19.....

the within claim was audited and allowed
for the sum of

\$

Clerk

PRELIMINARY MEETING:

FARKAS/SLOOP HILL ASSOCIATES

MR. NUGENT: Referred by the Planning Board for 14.7 ft. front yard and 8.6 ft. rear yard variance to allow construction of mini-storage and 3 service garages for auto repair located off Rt. 9W/Sloop Hill Road in an NC zone.

Mr. Steven Drabick appeared before the board for this proposal.

MR. DRABICK: For the record, my name is Steven Drabick, I'm a licensed surveyor representing Sloop Hill Associates for this application. Basically, we're here from a referral from the planning board. It's a proposed mini storage mini warehouse, I guess the zoning calls it now, on this particular site, and in laying out the particular units, as well as a building that sits in the front which will house an office area, three service garages. And based on recent survey, an apartment over the office area, we found that we needed two variances mentioned, front yard variance and rear yard variance and in addition to that, we have a proposed 6 foot security fence which will run along a portion of the front of the property as it faces Sloop Hill Road and we'll also need a 6 foot security fence that runs along the boundary of Route 9W when you look at the rear of this particular site, but it also would qualify as a front yard. And under the Section 4814 of the code, we're only allowed to have a four foot high fence.

MR. KANE: So, we need to add the 6 foot fence to it.

MR. TORLEY: Do you have two front yards?

MR. DRABICK: Yes, that's correct, it's considered two front yards, one along Sloop Hill and the other along Route 9W.

MR. TORLEY: Why are we getting rear yard variance request?

MR. DRABICK: The rear yard we're asking for.

MR. TORLEY: Which is the rear?

MR. DRABICK: Actually, it's a front yard and we do have listed as a rear yard which is what we're calling. Actually what we're calling the rear yard is the little section of boundary along the Central Hudson Gas and Electric regulator station, we have a unit that comes up to within 6.4 feet of that particular line, that's this one right here, so that is actually what we're calling in this case the rear line is the one little section here and the other front yard variance is again to the units in the most easterly corner of the property along Sloop Hill Road where we're showing a setback of 25.3 feet. And with regard to requesting these particular variances for setbacks of units, we feel we're justified in the fact on this particular site, we do have a 50 foot Central Hudson right-of-way easement that runs through the middle of the site which we're not allowed to construct any particular units on, we can't put any permanent structures in that right-of-way so we're utilizing what's available and remainder of the site to get a specific number of units on the site.

MR. KANE: May we take a look at the plan, please?

MR. DRABICK: Yes.

MR. KANE: Thanks.

MR. NUGENT: Mike, you want to add the third variance on here?

MR. BABCOCK: Yes, Steve, do you know how many feet of fence that is about, the length?

MR. DRABICK: I'm going to say about 500.

MR. NUGENT: Mr. Drabick, if you're going for any kind of a sign larger than what's allowed--

MR. DRABICK: I believe as far as signage goes we're not going to go with anything larger than what's

allowed.

MR. NUGENT: Okay.

MR. TORLEY: So you have a variance request for both fences in both your front yards?

MR. DRABICK: Yes, that's correct.

MR. TORLEY: The denial only shows, you're writing in the extra two fences, Mike?

MR. BABCOCK: Yes.

MR. TORLEY: You want to put an eight foot fence on it next to Route 9W.

MR. DRABICK: Eight foot fence that would run along the back line here, that's correct, actually, the total enclosure fence we want to keep a uniform height of 8 feet.

MR. TORLEY: But you're showing 6 foot.

MR. DRABICK: I'm sorry, 6 foot, yes.

MR. NUGENT: Any further questions? I'll accept a motion.

MR. TORLEY: I move we set up Sloop Hill Associates for their public hearing on the requested variances for front yard, rear yard and fence height.

MR. KANE: Second it.

ROLL CALL

MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MS. BARNHART: Here's your paperwork, Steve.

MR. TORLEY: When you come back, would you, for my benefit, I hope, would you be prepared to say why you can't just live without one unit that way you don't need this variance?

MR. DRABICK: Additional variance, yes.

MR. TORLEY: Okay.

MR. DRABICK: Thank you.

Robert Nannini and Andrew Callahan
262 Angola Road
Cornwall, NY 12518

Mid-Hudson II Holding Co., Inc.
P.O. Box 298
New Paltz, New York 12566

Anthony and Susan Zappola
5 Forge Hill Road
New Windsor, New York 12553

N & C Land Corp.
262 Angola Road
Cornwall, New York 12518

New York Military Academy
Academy Avenue
Cornwall, New York 12518

Paul Leininger
Catherine Cittadino-Leininger
9 Forge Hill Road
New Windsor, New York 12553

Robert Nannini and Andrew Callahan
P.O. Box 164
Salisbury Mills, New York 12577

Sara Staples
C/O Miriam Spaulding
67 Forge Hill Road
New Windsor, New York 12553

Fred and Kathryn Wygant
7 Forge Hill Road
New Windsor, New York 12553

Karol Longley
226 Shore Road
New Windsor, New York 12553

Patrick Purcell
13 Forge Hill Road
New Windsor, New York 12553

Christopher Kane
Anne Farricker-Kane
33 Canterbury Lane
New Windsor, New York 12553

Ronald and Harriet Buckner
21 Stone Crest Drive
New Windsor, New York 12553

Mary Wagner
15 Forge Hill Road
New Windsor, New York 12553

Mark and Shannon Kintz
31 Canterbury lane
New Windsor, New York 12553

John and Louise Furman
14 Sloop Hill Drive
New Windsor, New York 12553

Frances Lewis
4 Canterbury Lane
New Windsor, New York 12553

David and Katherine Ringel
29 Canterbury Lane
New Windsor, New York 12553

Central Hudson Gas and Electric Corp.
C/O Tax Agent
South Road
Poughkeepsie, New York 12601

Hugh and Leona Gavin
8 Canterbury Lane
New Windsor, New York 12553

David Jones
Pamela Laffin
27 Canterbury Lane
New Windsor, New York 12553

Scenic Hudson Land Trust, Inc.
9 Vassar Street
Poughkeepsie, New York 12601

Margaret Napolitano
10 Canterbury Lane
New Windsor, New York 12553

Stanley and Sally Clark
25 Canterbury Lane
New Windsor, New York 12553

Joseph O'Rourke Etal.
C/O Richard Clarino Esq.
5 Mace Circle
Newburgh, New York 12550

Joseph and Genevieve Masloski
24 Lannis Avenue
New Windsor, New York 12553

Alina Melendez
23 Canterbury Lane
New Windsor, New York 12553

Edward and Margaret Herbison
8 Forge Hill Road
New Windsor, New York 12553

Veronica Farina
97802 Overseas Highway
Key Largo, FL 33037

Lynco of Orange County
Box 120
Washingtonville, New York 10992

John and Eileen Bates
17 Canterbury Lane
New Windsor, New York 12553

William Kane
Linda Rieb
13 Canterbury Lane
New Windsor, New York 12553

Walter and Hazel Casey
17 Canterbury Lane
New Windsor, New York 12553

Theodore and Catherine Valleau
9 Canterbury Lane
New Windsor, New York 12553

Louis Pignetti
Kathleen Corke
7 Canterbury Lane
New Windsor, New York 12553

Victor and Maria Calchi
5 Canterbury Lane
New Windsor, New York 12553

Thomas and Edna Mullen
3 Canterbury Lane
New Windsor, New York 12553

Michael and Terri Mastrorocco
3 Forge Hill Road
New Windsor, New York 12553

Joseph and Sandra Burkert
323 Route 210
Stony Point, New York 10980

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

Robert Farkas

Applicant.

#9952

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on 12/23/99, I compared the 39 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.


Patricia A. Barnhart

Sworn to before me this
___ day of ___, 19___.

Notary Public

PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 52

Request of SLOOP HILL ASSOCIATES

for a VARIANCE of the Zoning Local Law to Permit: CONSTRUCTION OF MINI-STORAGE UNIT WITH INADEQUATE FRONT YARD AND REAR YARD SETBACKS. PROPOSED FRONT YARD: 25.3' REQUIRED IS 40'. PROPOSED REAR YARD: 6.4' REQUIRED IS 15. THE CONSTRUCTION OF A 6' HIGH FENCE BETWEEN THE PRINCIPAL BUILDING & STREET LINE ALONG SLOOP HILL ROAD & ALONG ROUTE 9W.

being a VARIANCE of Section 48-9 BULK TABLE FOR NC USE GROUP A 10, COL. E,G.

SEC 48-14 C(1) (C) (1) SUPPLEMENTAL YARD REGULATIONS

for property situated as follows:

BETWEEN RT 9W/SLOOP HILL ROAD, 70'± SOUTH OF THE INTERSECTION OF SLOOP HILL RD. AND SHORE ROAD

known and designated as tax map Section 37, Blk. 1 Lot 13

PUBLIC HEARING will take place on the 10th day of JANUARY, 2000 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

JAMES NUGENT

Chairman

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

BARBARA A. FARKAS and
ROBERT FARKAS, Husband and Wife

TO

SLOOP HILL ASSOCIATES, LLC

SECTION 37 BLOCK 1 LOT 13

RECORD AND RETURN TO:
(Name and Address)

CAROL SAVITS KLEIN, ESQ.
36 Main St.
Chester, New York 10918

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ☒ MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

PROPERTY LOCATION

___ 2089 BLOOMING GROVE (TN)	___ 4289 MONTGOMERY (TN)
___ 2001 WASHINGTONVILLE (VLG)	___ 4201 MAYBROOK (VLG)
___ 2289 CHESTER (TN)	___ 4203 MONTGOMERY (VLG)
___ 2201 CHESTER (VLG)	___ 4205 WALDEN (VLG)
___ 2489 CORNWALL (TN)	___ 4489 MOUNT HOPE (TN)
___ 2401 CORNWALL (VLG)	___ 4401 OTISVILLE (VLG)
___ 2600 CRAWFORD (TN)	___ 4600 NEWBURGH (TN)
___ 2800 DEERPARK (TN)	<input checked="" type="checkbox"/> 4800 NEW WINDSOR (TN)
___ 3089 GOSHEN (TN)	___ 5089 TUXEDO (TN)
___ 3001 GOSHEN (VLG)	___ 5001 TUXEDO PARK (VLG)
___ 3003 FLORIDA (VLG)	___ 5200 WALLKILL (TN)
___ 3005 CHESTER (VLG)	___ 5489 WARWICK (TN)
___ 3200 GREENVILLE (TN)	___ 5401 FLORIDA (VLG)
___ 3489 HAMPTONBURGH (TN)	___ 5403 GREENWOOD LAKE (VLG)
___ 3401 MAYBROOK (VLG)	___ 5405 WARWICK (VLG)
___ 3689 HIGHLANDS (TN)	___ 5600 WAWAYANDA (TN)
___ 3601 HIGHLAND FALLS (VLG)	___ 5889 WOODBURY (TN)
___ 3889 MINISINK (TN)	___ 5801 HARRIMAN (VLG)
___ 3801 UNIONVILLE (VLG)	
___ 4089 MONROE (TN)	
___ 4001 MONROE (VLG)	
___ 4003 HARRIMAN (VLG)	
___ 4005 KIRYAS JOEL (VLG)	

CITIES

___ 0900 MIDDLETOWN
___ 1100 NEWBURGH
___ 1300 PORT JERVIS

___ 9999 HOLD

NO. PAGES 4 CROSS REF _____
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PAYMENT TYPE: CHECK ☒
CASH _____
CHARGE _____
NO FEE _____

CONSIDERATION \$ 0
TAX EXEMPT _____

MORTGAGE AMT \$ _____
DATE _____

MORTGAGE TYPE:
___ (A) COMMERCIAL
___ (B) 1 OR 2 FAMILY
___ (C) UNDER \$10,000.
___ (E) EXEMPT
___ (F) 3 TO 6 UNITS
___ (I) NAT.PERSON/CR.UNION
___ (J) NAT.PER-CR.UNI OR 2
___ (K) CONDO

RECEIVED FROM: Carol Savits Klein

Donna L. Benson

DONNA L. BENSON
Orange County Clerk

LIBER 5116PG 54

LIBER 5116 PAGE 54

ORANGE COUNTY CLERKS OFFICE 43819 SLL
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FEES 47.00 EDUCATION FUND 5.00

SERIAL NUMBER: 000060

DEED CNTL NO 60624 RE TAX .00

29 (11/85) - Bargain and Sale Deed, with Covenant against Grantor's Acts - Individual or Corporation (Single Sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

This Indenture, made the 25 day of June nineteen hundred and Ninety Nine.

Between Barbara^A Farkas and Robert Farkas, Husband and Wife
16 Laurel Avenue
Cornwall, New York 12518

party of the first part, and

Sloop Hill Associates, LLC
PO Box 495
Cornwall, New York 12518

party of the second part,

Witnesseth, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York and being Lot 2 as shown on a map entitled, "Plat of Proposed Lot Line Change of Lands of Farkas & Longley & Proposed 2 Lot Subdivision Lands of Robert & Barbara Farkas", filed in the Orange County Clerk's Office on April 30, 1999 as Map #97-99 being more particularly bounded and described as follows

BEGINNING at a point in the northwesterly line of Sloop Hill Road at the division line of Parcel A of Lot 1 and Lot 2 as shown on the aforementioned filed map,

THENCE South 18 degrees 14 minutes 48 seconds West for a distance of 64.88 feet along the northwesterly line of Sloop Hill Road to a point and continuing along the same the following courses and distances;

THENCE South 23 degrees 23 minutes 09 seconds West for a distance of 116.15 feet to a point;

THENCE South 27 degrees 32 minutes 38 seconds West for a distance of 219.96 feet to a point;

THENCE North 66 degrees 04 minutes 55 seconds West for a distance of 65.34 feet to a point;

THENCE North 58 degrees 18 minutes 00 seconds West for a distance of 157.21 feet along the northeasterly bounds of lands now or formerly of Buckner, Liber 1995, Page 758 and along the northwesterly bounds of lands now or formerly of Furman, Liber 2037, Page 716 to a point;

THENCE North 33 degrees 14 minutes 00 seconds East for a distance of 71.71 feet along the southeasterly bounds of lands now or formerly of Central Hudson Gas & Electric Corporation, Liber 1322, Page 1012 to a point;

THENCE North 56 degrees 46 minutes 00 seconds West for a distance of 75.00 feet continuing along the northeasterly bounds of the same to a point in the southeasterly line of U.S. Route 9W;

THENCE North 33 degrees 14 minutes 00 seconds East for a distance of 318.97 feet along said southeasterly line of U.S. Route 9W to a point at the division line of Parcel A of Lot 1 and Lot 2 of said filed map #97-99,

THENCE South 56 degrees 47 minutes 21 seconds East for a distance of 45.59 feet along said division line to a point;

Together with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; **Together** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **To Have And To Hold** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

And the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

And the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

In Witness Whereof, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Barbara A. Farkas

Barbara A. Farkas

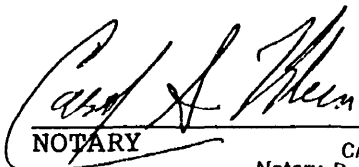
Robert Farkas

Robert Farkas

STATE OF NEW YORK, COUNTY OF ORANGE

On the 25th day of June 1999, before me personally came Barbara Farkas

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.


NOTARY

CAROL S. KLEIN
Notary Public, State of New York
Qualified in Orange County,
No. 4759745
Commission Expires May 31, 2000

STATE OF NEW YORK, COUNTY OF Orange ss:

On the _____ day of _____ 19____, before me personally came _____ to me known, who, being by me duly sworn, did depose and say that he resides at No. _____

that he is the
of _____

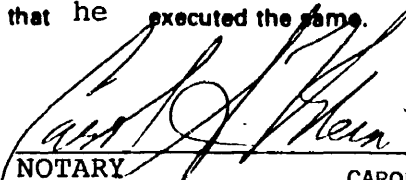
_____, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF ORANGE

ss:

On the 25th day of June 1999, before me personally came Robert Farkas

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.


NOTARY

CAROL S. KLEIN
Notary Public, State of New York
Qualified in Orange County,
No. 4759745
Commission Expires May 31, 2000

STATE OF NEW YORK, COUNTY OF Orange ss:

On the _____ day of _____ 19____, before me personally came _____ the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. _____

_____ ; that he knows
to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw

execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed
With Covenant Against Grantor's Acts

Title No. _____

Barbara Farkas and Robert Farkas,
Husband and Wife

TO

Sloop Hill Associates, LLC

Distributed by



TRW Title Insurance of New York, Inc.

SECTION

BLOCK

LOT

CITY OR TOWN Cornwall

COUNTY Orange

RETURN BY MAIL TO:

Carol Savits Klein, Esq.
PO Box 555, 36 Main Street
Chester, New York 10918

Zip No.

RESERVE THIS SPACE FOR
USE OF RECORDING OFFICE

LIBER 5116PG 56

THENCE North 33 degrees 25 minutes 04 seconds East for a distance of 20.00 feet continuing along the same to a point,

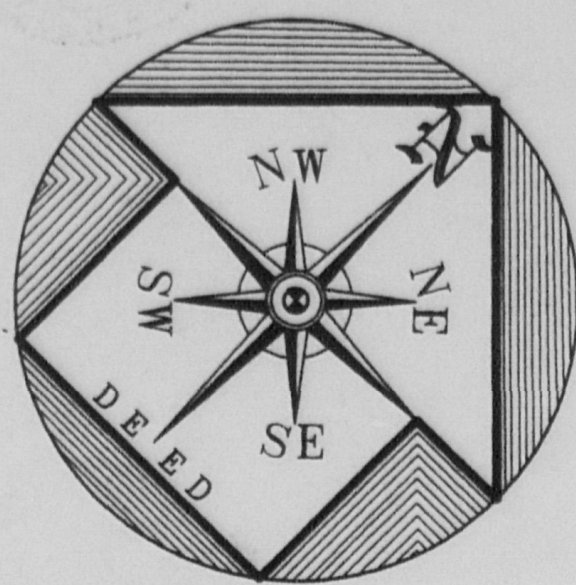
THENCE South 56 degrees 47 minutes 21 seconds East for a distance of 192.53 feet continuing along the same to the POINT OR PLACE OF BEGINNING.

Together with and subject to a 50' wide right of way to Central Hudson Gas & Electric Corporation, Liber 1322, Page 12, a 10' wide right of way to Central Hudson Gas & Electric Corporation, Liber 1323, Page 419, and a 30' wide right of way running along the southerly bounds of the herein described parcel, all of the above as shown on said filed Map #97-99.

Together with and subject to covenants, easements, and restrictions of record

Said property contains 2.4208 acres more or less.

LIBER 5116^{PC} 57



NORTH CORNWALL
GAS REGULATOR STATION

N/F
FURMAN
LIBER 2037, PAGE 716
T. L. 37 - 1 - 11

N/F
BUCKNER
LIBER 1995, PAGE 758
T. L. 37 - 1 - 10

UNAUTHORIZED ALTERATION OR ADDITION
TO A PLAT BEARING A LICENSED LAND
SURVEYOR'S SEAL IS A VIOLATION OF
SECTION 7209 SUB-DIVISION 2 OF THE
NEW YORK STATE EDUCATION LAW.

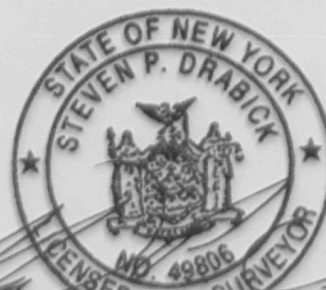
COPIES OF THIS PLAT NOT HAVING THE SEAL
OF THE LAND SURVEYOR SHALL NOT BE VALID.

FIELD SURVEY UPDATE COMPLETED ON 3/10/98.

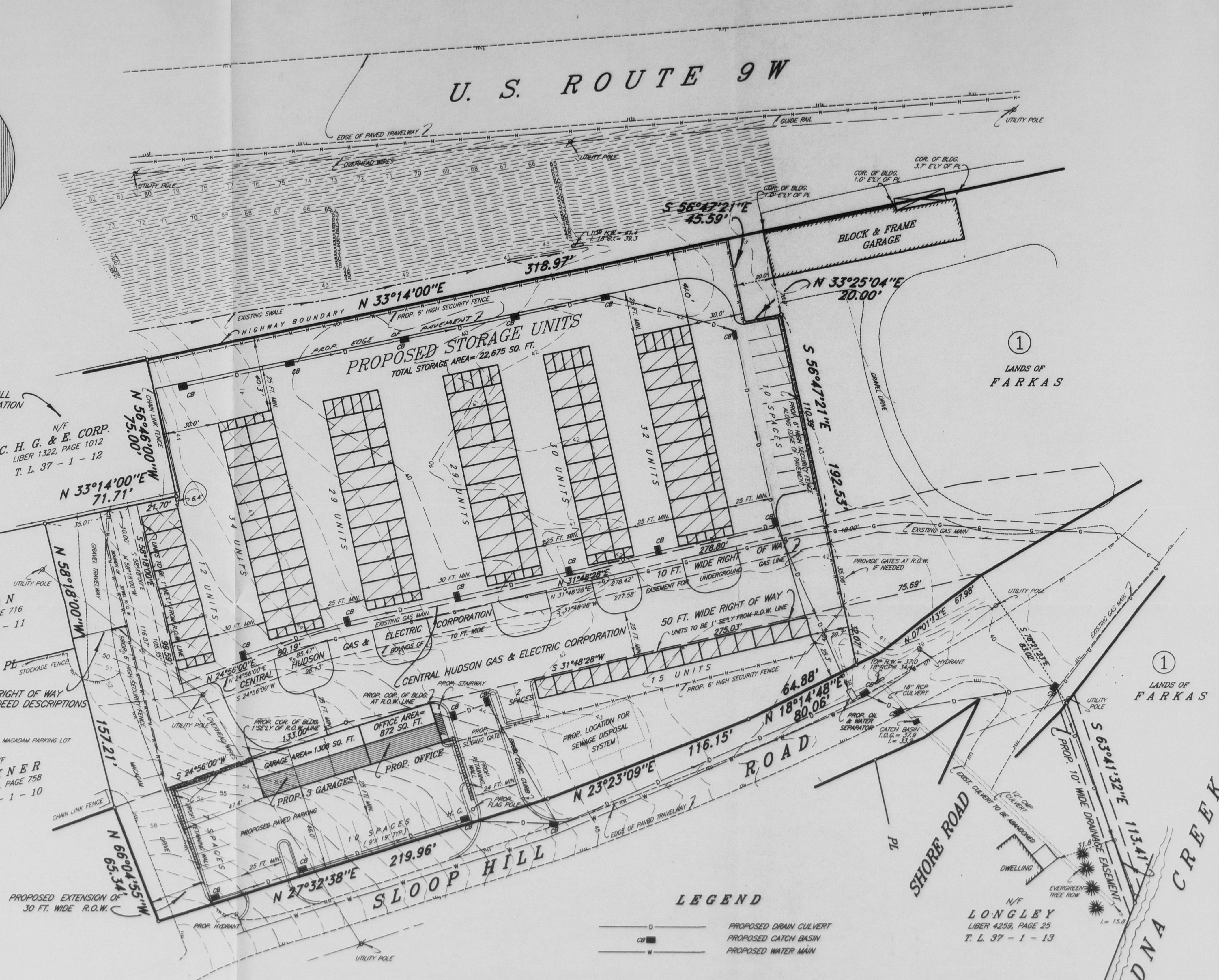
I HEREBY CERTIFY ONLY TO THE PARTIES
LISTED HEREON THAT THIS MAP IS BASED
ON AN ACTUAL FIELD SURVEY COMPLETED
ON 4/11/98 AND HAS BEEN
PREPARED IN ACCORDANCE WITH THE CODE
OF PRACTICE ESTABLISHED BY THE
N.Y.S. ASSOC. OF PROFESSIONAL LAND
SURVEYORS, INC.

THIS CERTIFICATION DOES NOT RUN WITH
TITLE TO THE LAND AND IS SUBJECT TO
ANY STATE OF FACTS A TITLE SEARCH
MAY REVEAL.

• ROBERT FARKAS & BARBARA FARKAS,
• TOWN OF NEW WINDSOR



STEVEN P. DRABICK, PLS NY LIC. #49806



LEGEND

D	PROPOSED DRAIN CULVERT
CB	PROPOSED CATCH BASIN
W	PROPOSED WATER MAIN

ZONING INFORMATION

BULK REQUIREMENTS FOR ZONE **NC**
USE GROUP A 10

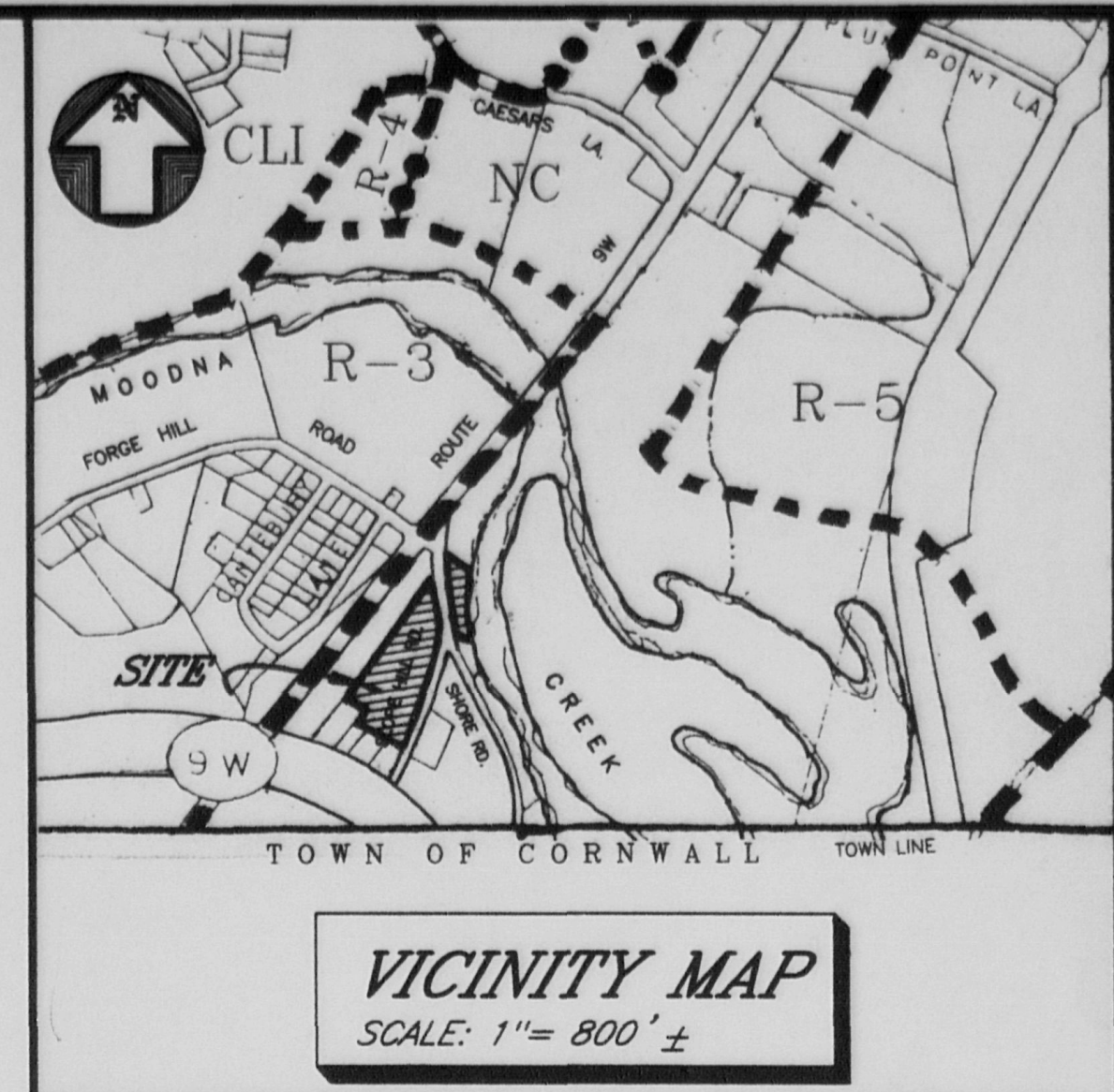
MINIMUM	REQUIRED	PROVIDED	VARIANCE NEEDED
LOT AREA	10,000 SQ. FT.	77,844 SQ. FT.	
LOT WIDTH	100'	MORE THAN 200'	
FRONT YARD	40'	25.3'	14.7'
SIDE YARD	15'	15.0'	
TOTAL SIDE YARD	35'	35.7'	
REAR YARD	15'	6.4'	8.6'
MAXIMUM			
BUILDING HEIGHT	35'	TO MEET ZONE	
FLOOR AREA RATIO	1	0.04	

* NOTE: REQUIRES A VARIANCE.
VARIANCE REQUIRED FOR 6' HIGH SECURITY FENCE ALONG SLOOP HILL ROAD SIDE
& ROUTE 9W SIDE OF PROJECT.

PARKING SCHEDULE

USE	REQUIRED # OF SPACES
SERVICE REPAIR GARAGE: 4 PER BAY (20'X 20')	12 SPACES
1 PER 300 SQ. FT. OUTSIDE OF BAY AREA	1 SPACE
MINI-WAREHOUSES	10 SPACES
BUSINESS OFFICE: 1 PER 150 SQ. FT.	6 SPACES

TOTAL REQUIRED: 29 SPACES
PROVIDED: 29 SPACES



NOTES:

- 1) BEING A SITE PLAN OF A PORTION OF SECTION 37, BLOCK 1, LOT 13 AS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAP, LOT 2 AS SHOWN ON A MAP ENTITLED "PLAT OF PROPOSED 2 LOT SUBDIVISION OF LANDS OF ROBERT & BARBARA FARKAS" FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON APRIL 30, 1999 AS MAP #97-99.
- 2) OWNER / APPLICANT: SLOOP HILL ASSOCIATES, LLC
P.O. BOX 495
CORNWALL, NY 12518
- 3) PROPERTY ZONE: NEIGHBORHOOD COMMERCIAL (NC)
- 4) PROPERTY AREA: 2.4208 ACRES
- 5) PROPOSED USE: PROPOSED MINI-STORAGE FACILITY WITH OFFICE & 3 SERVICE GARAGES.
- 6) WATER SUPPLY: TOWN OF NEW WINDSOR MUNICIPAL
- 7) SANITARY SEWAGE DISPOSAL: PRIVATE INDIVIDUAL SEPTIC SYSTEMS

FOR USE BY PLANNING BOARD

PLAT OF SITE PLAN CONCEPT FOR PROPOSED MINI-STORAGE FACILITY & 3 SERVICE GARAGES ON LANDS OF SLOOP HILL ASSOCIATES, LLC

TOWN OF NEW WINDSOR
SCALE: 1" = 30'

ORANGE COUNTY, NEW YORK
JULY 16, 1999

STEVEN P. DRABICK P.L.S., P.C.
PROFESSIONAL LAND SURVEYOR
PO BOX 539
CORNWALL, N.Y. 12518
(814)-854-8800

GRAPHIC SCALE - FEET
30 0 30 60 90

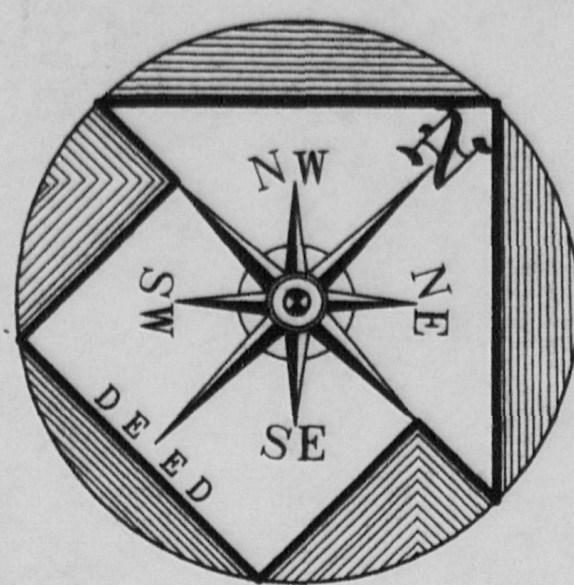
SHEET 1 OF 1

JOB NO. 403-985P

RECEIVED OCT 2 9 1999

REVISIONS	
DATE	DESCRIPTION
10/27/99	ADD PAGE, CIVIL ENGINEER'S SEAL

99-25



U. S. ROUTE 9W

NORTH CORNWALL
GAS REGULATOR STATION

FURMAN
LIBER 2037, PAGE 716
T. L. 37 - 1 - 11

BUCKNER
LIBER 1995, PAGE 758
T. L. 37 - 1 - 10

PROPOSED STORAGE UNITS
TOTAL STORAGE AREA = 22,675 SQ. FT.

BLOCK & FRAME
GARAGE

LANDS OF
FARKAS

LANDS OF
FARKAS

LEGEND

PROPOSED DRAIN CULVERT
PROPOSED CATCH BASIN
PROPOSED WATER MAIN

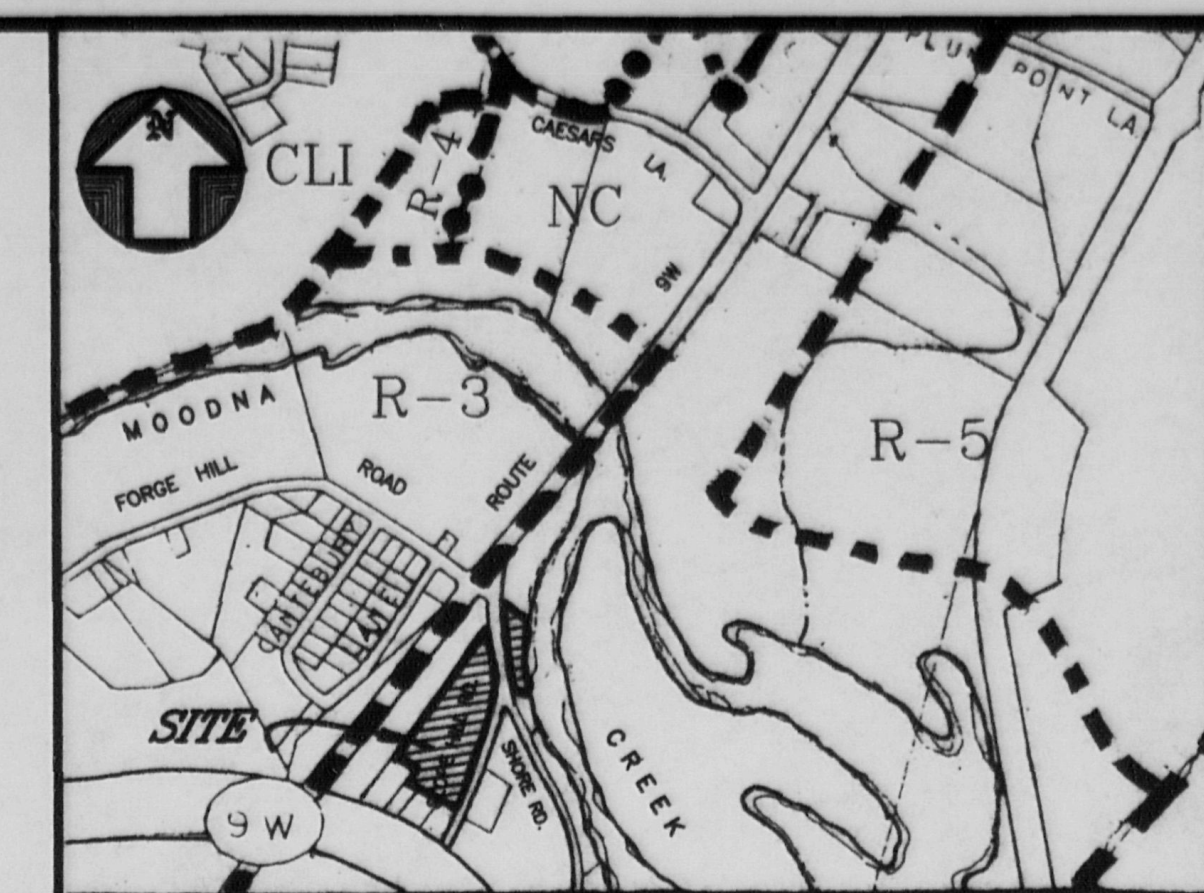
ZONING INFORMATION
BULK REQUIREMENTS FOR ZONE NC
USE GROUP A 10

	REQUIRED	PROVIDED	VARIANCE NEEDED
MINIMUM LOT AREA	10,000 SQ. FT.	77,844 SQ. FT.	
LOT WIDTH	100'	MORE THAN 200'	
FRONT YARD	40'	25.3' *	14.7'
SIDE YARD	15'	15.0'	
TOTAL SIDE YARD	35'	35.7'	
REAR YARD	15'	6.4' *	8.6'
MAXIMUM BUILDING HEIGHT	35'	TO MEET ZONE	
FLOOR AREA RATIO	1	0.04	

* NOTE: REQUIRES A VARIANCE.

PARKING SCHEDULE

USE	REQUIRED # OF SPACES
SERVICE REPAIR GARAGE: 4 PER BAY (10'X 20') 1 PER 300 SQ. FT. OUTSIDE OF BAY AREA	12 SPACES 2 SPACES
BUSINESS OFFICE: 1 PER 200 SQ. FT.	5 SPACES
TOTAL REQUIRED: 19 SPACES PROVIDED: 19 SPACES	



VICINITY MAP
SCALE: 1" = 800' ±

NOTES:

- 1) BEING A SITE PLAN OF A PORTION OF SECTION 37, BLOCK 1, LOT 13 AS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAP, LOT 2 AS SHOWN ON A MAP ENTITLED "PLAT OF PROPOSED 2 LOT SUBDIVISION OF LANDS OF ROBERT & BARBARA FARKAS" FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON APRIL 30, 1999 AS MAP #97-99.
- 2) OWNER / APPLICANT: SLOOP HILL ASSOCIATES, LLC
P.O. BOX 495
CORNWALL, NY 12518
- 3) PROPERTY ZONE: NEIGHBORHOOD COMMERCIAL (NC)
- 4) PROPERTY AREA: 2.4208 ACRES
- 5) PROPOSED USE: PROPOSED MINI STORAGE FACILITY WITH OFFICE & 3 SERVICE GARAGES.
- 6) WATER SUPPLY: TOWN OF NEW WINDSOR MUNICIPAL
- 7) SANITARY SEWAGE DISPOSAL: PRIVATE INDIVIDUAL SEPTIC SYSTEMS

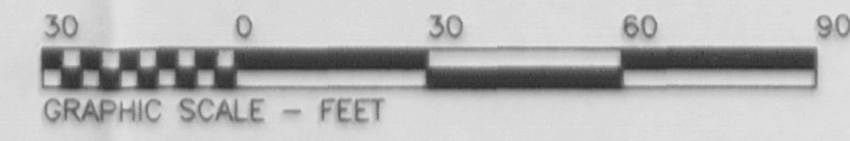
FOR USE BY PLANNING BOARD

PLAT OF SITE PLAN CONCEPT
FOR
PROPOSED MINI-STORAGE FACILITY
& 3 SERVICE GARAGES
ON LANDS OF
SLOOP HILL ASSOCIATES, LLC

TOWN OF NEW WINDSOR
SCALE: 1" = 30'

ORANGE COUNTY, NEW YORK
JULY 16, 1999

STEVEN P. DRABICK P.L.S. PC
PROFESSIONAL LAND SURVEYOR
P.O. BOX 539
CORNWALL, N.Y. 12518
(814)-894-2200



SHEET 1 OF 1

REVISIONS
DATE DESCRIPTION

RECEIVED SEP 20 1999

99-25

UNAUTHORIZED ALTERATION OR ADDITION TO A PLAT BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 SUB-DIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

COPIES OF THIS PLAT NOT HAVING THE SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID.

FIELD SURVEY UPDATE COMPLETED ON 3/10/98.

I HEREBY CERTIFY ONLY TO THE PARTIES LISTED HEREON THAT THIS MAP IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED ON 7/11/95, AND HAS BEEN PREPARED IN ACCORDANCE WITH THE CODE OF PRACTICE ESTABLISHED BY THE N.Y.S. ASSOC. OF PROFESSIONAL LAND SURVEYORS, INC.

THIS CERTIFICATION DOES NOT RUN WITH TITLE TO THE LAND AND IS SUBJECT TO ANY STATE OF FACTS A TITLE SEARCH MAY REVEAL.

* ROBERT FARKAS & BARBARA FARKAS,
* TOWN OF NEW WINDSOR



STEVEN P. DRABICK, P.L.S. NY L.C. #49806